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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,205	06/02/2000	Tetsujiro Kondo	450106-02134	6105

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EXAMINER
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DANG, DUY M

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/586,205

Applicant(s)

KONDO ET AL.

Examiner

Duy M Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,5,6,11-21,23,25,27,29,31,33,35,36 and 39 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7-10,22,24,26,28,30,32,34,37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. Applicant's amendment filed 9/8/03 been entered and made of record.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-4, 7-10, 22, 24, 26, 28, 30, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 as a representative claim, the phrase "or the like" recited in line 9 (or last line) renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claims 3-4, and 7-10 depend on claim 1 and are rejected for the same reasons as above.

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Likewise, the phrase "or the like" is also recited in claims 22, 24, 26, 30 and 32. Therefore, these claims are rejected for the same reasons as set forth in claim 1 above.

Claim 28 depends on claim 26 and is rejected for the same reasons as above.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 34, and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Rao et al. (US Patent No. 5,790,704).

Regarding the representative claim 34, Rao teaches an encoding apparatus (i.e., the "encoder" shown at 150 of figure 5 and mentioned in col. 10 lines 52-60) comprising:

a uniformly random number generating portion for generating uniformly random numbers (i.e., the "random number generation" for generating pseudo random numbers according to col. 13 lines 24-25 in together with col. 14 lines 55-57 functions as the so called "uniformly random number generating portion"); and

an encoding portion for encoding for each pixel value of an original picture based on a compared result of at least one

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threshold value that is set based on the uniformly random numbers and pixel value based on the original signal (see "threshold processing circuit" generally shown at 4 in figure 1 and detailed in figure 5 where "encoder 150" is disclosed. With regard to figure 5, the result of the comparators H01 to H01 are encoded by encoder 150 for generating the output pixel data 5 according to col. 10 lines 53-60; and those threshold values Th1 to Th1 shown in figure 5 are generated by using random generator according to col. 11 lines 65-67. In addition, the input image 3 of figure 5 refers to the so called "pixel value of original picture" according to col. 5 lines 20-24 in together with col. 12 lines 14-15); and

wherein said encoding portion encodes each pixel value of the original picture signal a plurality of times (these features are clearly shown in Rao's figures 13A-13C. Note the "target pixel" denoted at "\*", the encoder in Rao repeatedly encodes target pixel at a location shown in figure 13A and so on to target pixel shown in figures 13B-13C).

It is noted that claim 37 is a method claim reciting the features called in an apparatus claim 34. Thus, claim 37 is rejected for the same reasons as above.

The advanced statement as applied to claim 34 are incorporated herein. With regard to claim 38, While Rao further

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teaches recording medium (see RAM, ROM, and CPU mentioned in col. 11 lines 4-14), Rao fails to explicitly teaches a computer program. However, such computer program is inherently included in Rao's CPU in order for the information to be read and written from and to RAM according to col. 11 lines 4-14).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3-4, 7-10, 22, 24, 26, 28, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al. (US Patent No. 5,790,704) in view of Kikuchi (US Patent No. 5,828,326).

Regarding the representative claim 1, Rao teaches an encoding apparatus (i.e., the "encoder" shown at 150 of figure 5 and mentioned in col. 10 lines 52-60) comprising:

a uniformly random number generating portion for generating uniformly random numbers (i.e., the "random number generation" for generating pseudo random numbers according to col. 13 lines

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24-25 in together with col. 14 lines 55-57 functions as the so called "uniformly random number generating portion"); and

an encoding portion for encoding for each pixel value of an original picture based on a compared result of at least one threshold value that is set based on the uniformly random numbers and pixel value based on the original signal (see "threshold processing circuit" generally shown at 4 in figure 1 and detailed in figure 5 where "encoder 150" is disclosed. With regard to figure 5, the result of the comparators H01 to H01 are encoded by encoder 150 for generating the output pixel data 5 according to col. 10 lines 53-60; and those threshold values Th1 to Th1 shown in figure 5 are generated by using random generator according to col. 11 lines 65-67. In addition, the input image 3 of figure 5 refers to the so called "pixel value of original picture" according to col. 5 lines 20-24 in together with col. 12 lines 14-15).

Rao fails to teaches the newly added features that of "a transmission signal generating portion for adding a synchronous signal that includes a horizontal synchronous signal, a vertical synchronous signal, a sequential synchronous signal or the like". However, such features are well known in the art as evidenced by Kikuchi.

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Kikuchi, in the same field of invention, that of image coding, teaches transmission signal generating portion (see item 21 of figure 5) for adding a synchronous signal (see synchronous data denoted at S58 and S59 in figure 5 and mentioned in col. 3 line 65 to col. 4 line 2; col. 4 lines 25-30; and col. 10 lines 15-18) that includes a horizontal synchronous signal (see col. 6 lines 58-60), a vertical synchronous signal (see col. 6 lines 58-60), a sequential synchronous signal or the like (see serial code S60 mentioned in col. 3 line 65 to col. 4 line 5. Note that this code S60 including synchronous data S58 and S59 refers to the so called a sequential synchronous signal or the like").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the such transmission as taught by Kikuchi in combination with Rao in order to eliminate the skew or crosstalk of the image data, and to overcome the restriction of the transmission cable in term of length and size as suggested by Kikuchi in col. 1 lines 32-45.

Regarding claim 3, Rao further teaches wherein said encoding portion repeatedly encodes each of all pixel values in a predetermined range of the original picture signal, one pixel value at the time (these features are clearly shown in Rao's figures 13A-13C. Note the "target pixel" denoted at "\*", the



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encoder in Rao repeatedly encodes target pixel at a location shown in figure 13A and so to target pixel shown in figures 13B-13C. The combination of the pixel denoted at A-B and "\*" as shown in figure 13A for example corresponds to the so called "a predetermined range of the original picture signal").

Regarding claim 4, Rao further wherein the predetermined range is one frame of the original picture signal (i.e., the combination of the target pixel and pixels A-B in figure 13A, for example, corresponds to the so called "one frame").

Regarding claim 7, Rao further teaches wherein said encoding apparatus executes binarization of each pixel value of the original picture signal based on the threshold value (see figure 5 (detailed version of item 4a (threshold processing circuit based on comparison operation) in figure 1). Note that the output of encoder 150 is a binary coded data according to col. 11 lines 61-64. Thus, Rao's threshold processing circuit inherently includes "binarization").

Regarding claim 8, Rao further teaches wherein the threshold value is a value in a gradation range of the original signal (see equation 5 and its corresponding text portion mentioned in col. 18 lines 3-20).

Regarding claim 9, Rao further teaches wherein said at least one threshold value is a fixed number of values that

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depend on a predetermined original picture signal (see "preset threshold value" mentioned in col. 2 line 59 and "fixed threshold value" mentioned in col. 1 lines 15-19).

Regarding claim 10, Rao further teaches wherein the original picture signal is a digital picture signal (see "input pixel data" shown at 1 in figure 1 and mentioned in col. 5 lines 1-5).

Regarding claim 22, this claim recites the features called for in the apparatus claim 1 above. Therefore, claim 22 is also rejected for the reasons as set forth in claim 1 above.

Regarding claim 24, it is noted that claim 24 recites the features called for in claim 22. Thus, the advanced statement as applied to claim 22 above are incorporated herein. Rao further teach computer readable medium (see RAM, ROM, and CPU mentioned in col. 11 lines 4-14. Rao fails to explicitly teaches a program. However, such program is inherently included in Rao's CPU in order for the information to be read and written from and to RAM according to col. 11 lines 4-14).

The advanced statements applied to claim 1 with regard Rao, above, are incorporated herein. With regard to claim 26, this claim recites the features called for in claim 1 with the addition of "encoding an original signal". Rao further teaches

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encoding an original signal (i.e., the "input image" shown at 1 in figure 1).

Regarding claim 28, Rao further teaches wherein said encoding portion repeatedly encodes each of all pixel values in a predetermined range of the original picture signal, one pixel value at the time (these features are clearly shown in Rao's figures 13A-13C. Note the "target pixel" denoted at "\*", the encoder in Rao repeatedly encodes target pixel at a location shown in figure 13A and so to target pixel shown in figures 13B-13C. The combination of the pixel denoted at A-B and "\*" as shown in figure 13A for example corresponds to the so called "a predetermined range of the original picture signal").

Regarding the method claim 30, this claim recites the features called for in the apparatus claim 26 above. Therefore, claim 30 is also rejected for the reasons as set forth in claim 26 above.

Regarding claim 32, it is noted that claim 24 recites the features called for in claim 30. Thus, the advanced statement as applied to claim 30 above are incorporated herein. Rao further teach computer readable medium (see RAM, ROM, and CPU mentioned in col. 11 lines 4-14. Rao fails to explicitly teaches a program. However, such program is inherently included

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in Rao's CPU in order for the information to be read and written from and to RAM according to col. 11 lines 4-14).

8. Claims 2, 5, 6, 11-21, 23, 25, 27, 29, 31, 33, 35-36, and 39 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, the cited prior art (Rao) fails to teach or suggest the features of "wherein said encoding portion encodes each pixel value of the original picture signal a plurality of times, and wherein said uniformly random number generating portion generates a different uniformly random number for encoding each pixel value of the original picture signal a plurality of times". Claims 5-6 are also allowed as being dependent upon the allowed base claim 2.

Regarding claim 11, the cited prior art (Rao) fails to teach or suggest the features of "a cumulating portion for cumulating the encoded values of the encoded picture signal for each pixel of the original picture, a decoding portion for decoding the encoded values cumulated by said cumulating portion for each pixel value of the original picture signal based on the number of times counted by a counting portion, and a sampling portion for sampling the encoded values of the encoded picture

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signal". Claims 18-21 depend from claim 11 and are also allowed for the same reasons as above.

Regarding claim 12, the cited prior art fails to teach or suggest the features "a cumulating portion for cumulating the encoded values of the encoded picture signal for each pixel of the original picture, a decoding portion for decoding the encoded values cumulated by said cumulating portion for each pixel value of the original picture signal based on the number of times counted by a counting portion, a sampling portion for sampling the encoded values of the encoded picture signal, wherein said cumulating portion cumulates the encoded values sampled by said sampling portion". Claim 13 is allowed as being dependent upon the allowed base claim.

Regarding claim 14, the cited prior art fails to teach or suggest the features of "a controlling portion for causing said cumulating portion to stop cumulating the encoded values". Claims 15-17 are also allowed as being dependent upon the allowed base claim.

Regarding claims 23 and 25, the cited prior art (Rao) fails to teach or suggest the features of "counting the number of times cumulated at the cumulated step".

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Regarding claim 27, it is noted that claim 27 recites the features called for in claim 2. Thus, claim 27 is also allowed for the same reasons as set forth in claim 2 above.

Regarding claims 29, 31, 33, 35-36, and 39, the cited prior art (Rao) fails to teach or suggest the features of "a counting portion for counting the number of times cumulated".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Applicant's arguments filed 9/8/03 have been considered but are moot in view of the new ground(s) of rejection.

With regard to Applicant's arguments with respect to claims 1, 22, 24, 26, 30, and 32 as stated in page 16 last 7 lines to page 17 line 12, the examiner agrees that Rao does not teach the newly added features that of "a transmission signal generating portion for adding a synchronous signal that includes a horizontal synchronous signal, a vertical synchronous signal, a sequential synchronous signal or the like". Thus, the rejection(s) of claim(s) 1, 22, 24, 26, 30, 32 and their corresponding dependent claims under 35 USC 102(b) with regard to Rao has been withdrawn. However, upon further consideration,

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a new ground(s) of rejection under 35 USC 103 is made in view of Rao and Kikuchi.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 703-305-1464. The examiner can normally be reached on Monday to Thursday from 6:30AM to 5:00PM..

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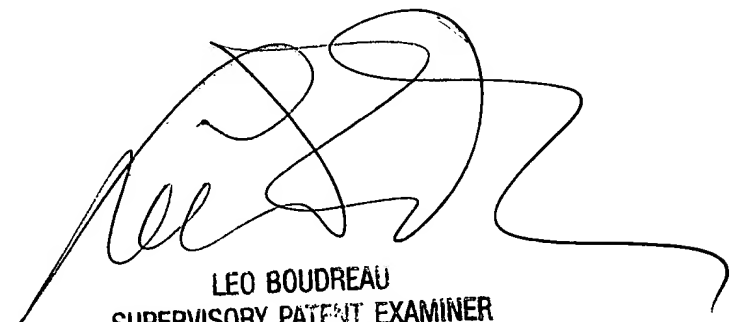
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

*dmd*

dmd

2/19/04



LEO BOUDREAU  
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